IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

Crl.Rev.Pet.No. 2066 of 2007(C)

CRA.323/2006 of II ADDL. SESSIONS COURT-II, PALAKKAD
ST.1955/2004 of JUDL.MAGISTRATE OF FIRST CLASS COURT-III, PALAKKAD

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REVN. PETITIONER: APPELLANT/ACCUSED

SONU SISUPAL, S/O LATE SISUPAL,
THARAYATH HOUSE, POONITHURA P.O.,
CHAMPAKKARA, COCHIN

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENTS: RESPONDENTS/COMPLAINANT

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1. K.N.MENON, S/O LATE P.K.MENON,
ARCHANA COLONY, AKATHETHARA, PALAKKAD.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. PUZHAKKARA MUHAMMED, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 01/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 2066 OF 2007

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Dated this the 1st day of June 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for three months and to pay a compensation of Rs. 2,00,000/- and in default to undergo simple imprisonment for three months.

2. The contention of the revision petitioner is that he had borrowed an amount of Rs.2,00,000/-, but repaid Rs.1,50,000/- and has sought six months time to pay the balance amount. While so in the meantime, the complainant initiated the proceedings. He has produced Ext.D2, receipt for payment of Rs.1,50,000/-. On his application, the same was sent for the opinion of the hand writing expert along with the specimen signature of the complainant. On examination, the hand writing expert has opined that the signature in Ext.D2 is not that of the complainant. In the circumstances, I find that there is no scope to admit the appeal. The findings of guilt on the part of the accused is confirmed.

3. All the same, considering the plea of the counsel for the revision petitioner, the sentence is modified to imprisonment till the rising of the court . The rest of the sentence is confirmed. The revision petitioner is granted six months time from today onwards to pay the amount of compensation. He shall appear before Judicial First Class Magistrate-III, Palakkad on 01.12.2007 to receive sentence. Non bailable warrant pending if any shall be kept in abeyance till then.

The Crl.R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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